

MEETING RECORD

NAME OF GROUP: PLANNING COMMISSION

DATE, TIME AND PLACE OF MEETING: Wednesday, December 11, 2002, 1:00 p.m., City Council Chambers, First Floor, County-City Building, 555 S. 10th Street, Lincoln, Nebraska

MEMBERS IN ATTENDANCE: Jon Carlson, Steve Duvall, Roger Larson, Patte Newman, Greg Schwinn, Cecil Steward, Mary Bills-Strand and Tommy Taylor (Gerry Krieser absent); Marvin Krout, Ray Hill, Mike DeKalb, Brian Will, Becky Horner, Tom Cajka, Greg Czaplewski, Jean Walker and Teresa McKinstry of the Planning Department; media and other interested citizens.

STATED PURPOSE OF MEETING: Regular Planning Commission Meeting

Chair Greg Schwinn called the meeting to order and requested a motion approving the minutes of the meeting held November 27, 2002. Newman moved to approve the minutes, seconded by Larson and carried 7-0: Carlson, Duvall, Larson, Newman, Schwinn, Steward and Bills-Strand voting 'yes'; Taylor abstaining; Krieser absent.

CONSENT AGENDA

PUBLIC HEARING & ADMINISTRATIVE ACTION

BEFORE PLANNING COMMISSION:

December 11, 2002

Members present: Carlson, Duvall, Larson, Newman, Schwinn, Bills-Strand, Steward and Taylor; Krieser absent.

The Consent agenda consisted of the following items: **SPECIAL PERMIT NO. 1973A; SPECIAL PERMIT NO. 1996; FINAL PLAT NO. 02010, MEADOW VIEW 1ST ADDITION; FINAL PLAT NO. 02032, STONE BRIDGE CREEK 2ND ADDITION; FINAL PLAT NO. 02040, NEBRASKA HEART HOSPITAL; FINAL PLAT NO. 02042, NORTH HILLS 4TH ADDITION; WAIVER OF DESIGN STANDARDS NO. 02022; STREET AND ALLEY VACATION NO. 02015; and STREET AND ALLEY VACATION NO. 02016.**

Item No. 1.1, Special Permit No. 1973A, was removed from the Consent Agenda and scheduled for separate public hearing.

Larson moved to approve the remaining Consent Agenda, seconded by Bills-Strand and carried 8-0: Carlson, Duvall, Larson, Newman, Schwinn, Steward, Bills-Strand and Taylor voting 'yes'; Krieser absent.

Note: This is final action on Special Permit No. 1996, Meadow View 1st Addition Final Plat No. 02010, Stone Bridge Creek 2nd Addition Final Plat No. 02032, Nebraska Heart Hospital Final Plat No. 02040 and North Hills 4th Addition Final Plat No. 02042, unless appealed to the City Council by filing a letter of appeal with the City Clerk within 14 days of the action by the Planning Commission.

SPECIAL PERMIT NO. 1973A
TO WAIVE THE FALL ZONE
ON PROPERTY GENERALLY LOCATED
AT NO. 39TH STREET AND CORNHUSKER HIGHWAY.
PUBLIC HEARING BEFORE PLANNING COMMISSION:

December 11, 2002

Members present: Carlson, Newman, Duvall, Bills-Strand, Taylor, Steward and Schwinn; Larson declaring a conflict of interest; Krieser absent.

Staff recommendation: Conditional approval, as revised.

This application was removed from the Consent Agenda and had separate public hearing due to a revised site plan submitted by the applicant.

Brian Will of Planning staff submitted the revised staff recommendation and conditions of approval in response to the revised site plan submitted by the applicant. The waiver of the fall zone now being requested is from 50' to 40' (as opposed to 50' to 20') due to the applicant's acquisition of additional property.

Proponents

1. Don Bowman appeared on behalf of the applicant. The applicant is now requesting a 10' waiver of the fall zone because that is the extent of the property owned by this applicant. Bowman expressed appreciation for the staff's assistance on this application, specifically Brian Will in the Planning Department.

There was no testimony in opposition.

Public hearing was closed.

ADMINISTRATIVE ACTION BY PLANNING COMMISSION:

December 11, 2002

Steward moved approval of the revised staff recommendation of conditional approval, seconded by Bills-Strand and carried 7-0: Carlson, Newman, Duvall, Bills-Strand, Taylor, Steward and Schwinn voting 'yes'; Larson declaring a conflict of interest; Krieser absent.

Note: This is final action, unless appealed to the City Council by filing a letter of appeal with the City Clerk within 14 days of the action by the Planning Commission.

**CHANGE OF ZONE NO. 3381,
FROM AG AGRICULTURAL TO R-3 RESIDENTIAL,
R-4 RESIDENTIAL, P PUBLIC USE, H-4 GENERAL COMMERCIAL
AND O-3 OFFICE PARK;
SPECIAL PERMIT NO. 1988,
TAMARIN RIDGE COMMUNITY UNIT PLAN;
PRELIMINARY PLAT NO. 02019, TAMARIN RIDGE;
SPECIAL PERMIT NO. 1989 FOR PLANNED/SERVICE COMMERCIAL;
and
USE PERMIT NO. 147 FOR OFFICE/MEDICAL/FINANCIAL,
ON PROPERTY GENERALLY LOCATED
AT SOUTH 27TH STREET AND PORTER RIDGE ROAD.
PUBLIC HEARING BEFORE PLANNING COMMISSION:**

December 11, 2002

Members present: Carlson, Newman, Larson, Duvall, Bills-Strand, Taylor, Steward, and Schwinn; Krieser absent.

Staff recommendation: Deferral, revised on 12/11/02 to approval of the change of zone and conditional approval of the community unit plan, preliminary plat, Special Permit No. 1989 and Use Permit No. 147.

Proponents

1. Jerry Slusky, attorney with the Omaha law firm of Gross, Welch, testified on behalf of the applicant and owners. This is a gorgeous 80 acre parcel sitting in one of the hottest areas for development in Lincoln. With the engagement of the engineering firm of Brian Carstens and Associates and other professionals, they have been working diligently with the city departments to pull together a mixed use plan that would be beneficial to the city and to attempt to transition the various uses within the plan from fairly intense commercial use of retail/automotive, working toward the residential to the south and to the west. There were a number of users that came forward that the applicant has been able to incorporate into the site.

In the northeast corner, the larger parcel (two outlots do not have identified users) has been identified and is under contract with Sid Dillon Enterprises to move their dealerships out to this site. Nissan is driving that decision to have them open a new dealership. They are putting together the site which fits the automotive uses and the city's master plan, buffering it enough from the adjacent west and south multi-family. Slusky believes this is a very sensible plan which balances the interests of the city, the automotive use and the developer.

Slusky advised that there are several banks interested in the retail use to the south as a drive-thru facility.

Slusky also observed that there is a lot of interest in the multi-family development. They anticipate having some sort of arrangement put together in the next several months.

Slusky further suggested that the LPS site will serve a crying need in this area for an additional public elementary school. By putting the school into the fabric of the mixed use development, the attempt has been to balance the LPS interest into this equation by finding a way to get a major access at 27th and Tamarin Ridge Road with possibly a stop light. There was some issue with the sight line coming over the hill and that has been adjusted recently.

Slusky advised that the single family area is under contract with Krueger Development with single family transitioning to the multi-family to the north. There is an issue about whether to leave the 22nd Street stub connected to the north. This developer does not care and Mr. Krueger does not care. It might be preferable to not connect it. However, the developer would like to continue to proceed with this project making it ready for grading and infrastructure work immediately in the spring. Within the next couple of years, Lincoln would have the addition of a new school, several new single family homes, several hundred multi-family units, auto dealers and some retail.

2. Brian Carstens also testified on behalf of the applicant/owners, stating that he has been working with Public Works on the street profile for So. 27th Street. Carstens submitted the following motions to amend the conditions of approval:

Special Permit No. 1988:

2. This approval permits ~~394~~ 441 dwelling units. Waivers to maximum height from 35' to 45', and to defer the review and approval of site plans, ground signs and required landscape plans until the time of building permits, are approved for the multiple-family buildings in the R-4.

Preliminary Plat No. 02019:

- 1.3 The applicant submits revised centerline profiles for South 27th Street, Tamarin Ridge Road and Kendra Lane for review and approval by Public Works and Utilities.
- 1.4 The applicant submits a revised Traffic Impact Analysis for Tamarin Ridge for review and approval by Public Works and Utilities.

Special Permit No. 1989:

- 1.1.3 The H-4 General Note #13 modified to state "...DURING NON-BUSINESS HOURS, 44 P.M. 8:00 P.M. TO 7 A.M."
- 1.1.4 The H-4 General Note #3 modified to state "...8:00 P.M. to 7:00 A.M."
- 1.1.5 The H-4 General Note #15 modified to state "...ON THE AUTO DEALERSHIP LOT ONLY." MENU BOARD SPEAKERS ON DRIVE THRU'S SHALL BE PERMITTED.
- 1.1.6 The H-4 General Note #14 modified to state, "OVERHEAD doors that open into mechanic/service bays on the south and west sides of the building SHALL BE 100% SCREENED WITH CONIFEROUS TREES, AT LEAST AS HIGH AND TWICE THE WIDTH OF SAID DOOR AT TIME OF PLANTING. Doors for showroom access, new car prep or delivery area ARE EXEMPT FROM THIS SCREENING REQUIREMENT.

Carstens believes that staff is in agreement, except for Condition #1.1.6 of the planned service commercial Special Permit No. 1989.

Carstens explained that the proposed project has 441 dwelling units, which is the maximum allowable.

The requested amendment to Condition #1.1.3 of Special Permit No. 1989 is to clarify the common access easement through the dealership site. That common access easement will allow some of the internal trips to get up to the north. The dealership was concerned about this situation after business hours. The amendment to Condition #1.1.3 allows them to close some gates after their business hours.

Condition #1.1.5 of Special Permit No. 1989 has to do with the provision that there be no outdoor speakers permitted in the H-4 district. This provision was just for the automobile dealership. This condition clarifies that the provision about outdoor speakers only applies to the dealership lot in this project.

The condition at issue with staff is proposed Condition #1.1.6 of Special Permit No. 1989. The application originally had a general note that there be no overhead doors on the dealership building to the south or west toward the apartments. The proposed Condition #1.1.6 will provide that the "...overhead doors that open into mechanic/service bays on the south and west sides of the building shall be 100% screened, with coniferous trees, at least as high and twice the width of said door at time of planting. The doors for showroom access, new car prep or delivery area are exempt from this screening requirement." Carstens advised that this is the only issue that still needs to be worked out with the staff.

3. Scott Weiskamp, Director of Facilities for LPS, testified in support. He also expressed appreciation to the Planning Department in providing some foresight and direction for locating a school site. He also expressed an appreciation for the working relationship with Parks and Recreation. This joint venture has been a good one and the property owner and developer have been very cooperative in terms of some of the concerns and needs of the school regarding traffic flow and buffer zones. LPS does need a site in this area due to the significant growth south of Lincoln. The last elementary school built in this area was Cavett, which now has seven portables and some of the children are being bussed to inner city schools that are less crowded.

Carlson noted the trail along the south side. Carlson was attempting to get a sense of the walking and biking to the service area. Weiskamp stated that the general neighborhood footprint area that the school would serve would be a footprint of 14th Street to 27th Street and Pine Lake Road and probably even south of Yankee Hill Road in Wilderness Ridge. The trail proposed is not part of the formal city trail system, but would be an owner-managed and maintained trail system. LPS and the adjacent multi-family owners will be promoting this trail. It would provide access to the park across 27th Street. Carlson has some concerns with regard to Cavett Elementary. He believes it is very difficult to walk into Cavett and he is hoping this layout will facilitate pedestrian access to the school site, etc. Weiskamp stated that LPS would recommend and promote trails to the school buildings, if possible. This trail extends to the west into Vavrina Meadows and to the east across 27th to the park area.

Steward inquired as to the design capacity for this school site. Weiskamp indicated that the educational specification has been around 525 students. LPS is beyond those numbers in the four newest ones, but that would be the ideal setting.

4. Tom Huston, 233 So. 13th, Suite 1900, appeared on behalf of **Woodbridge Limited Partnership** and the **Lincoln Housing Authority**. The Woodbridge Limited Partnership and LHA jointly constructed the Woodbridge project in the mid-1990's. That project contains

130 dwelling units of a mixed income. When the plat was approved by the City in the mid-1990's, his clients objected to any connection of So. 22nd Street to the development to the south. It was made known at that time and they continue with that objection today. Woodbridge was constructed to be a self-contained development because of the Helen Wood Drive address located to the east of the development. So. 22nd itself is a private street that meanders through Woodbridge development and the residents would still have full access to Pine Lake Road to the north and Helen Wood Drive to the south. Woodbridge also has many of its common facilities constructed adjacent to So. 22nd Street, including the clubhouse which is heavily used by all residents of the development and the mail kiosk is located thereby. Huston acknowledged that City design standards encourage connection of neighborhoods, but Huston's clients believe this development still complies if that 22nd Street connection is eliminated. The Helen Wood Drive access is more than adequate. Huston has worked with the developer and resolved some miscellaneous drainage issues, but the Housing Authority and Woodbridge Limited Partnership continue to object to the 22nd Street connection, continuing through Woodbridge.

Schwinn noted that the stub coming down to Woodbridge is not constructed. Schwinn wondered about a pedestrian easement instead of a street. Huston stated that his clients would agree with a pedestrian connection. They are concerned about the traffic and would be more than happy to make a pedestrian connection. Huston believes the proposal provides a great benefit to his clients and it helps the drainage situation. The new elementary school will be a great benefit to the neighborhood. Huston is only requesting that the street connection be eliminated and they would be glad to dedicate a pedestrian easement in lieu thereof.

There was no testimony in opposition.

Steward asked staff to respond to the amendments requested by the applicant. Brian Will of Planning staff concurred with the applicant's comments, including the objection by staff to Condition #1.1.6 of Special Permit No. 1989. The staff also recommends denial of the waiver of the rear yard setback from 50' to 30' in the H-4 district. One of the notes on the plan indicated that there would be no service doors to the south. The staff does not believe they can adequately mitigate. The staff recommends that the rear yard setback not be waived from 50' to 30' but rather, that the full setback be maintained as well as the landscaping requirements.

Schwinn confirmed that they have the ability to park cars in that setback.

Carlson inquired about the parking lot lighting on the car dealership. He does not see that addressed in the conditions of approval. He believes the dealerships on North 27th Street and I-80 have significantly brighter lights that light up the neighborhoods. Will clarified that this issue is covered on the notes on the site plan. The same conditions are being required here

as in the Duteau permit across the street, that being that the lighting is required to be reduced during off-business hours.

Schwinn inquired whether staff would object to changing the So. 22nd Street connection to a pedestrian easement. Will indicated that the intent is for So. 22nd Street to be connected on down to the south. Staff would oppose removing this connection and would not be in agreement with a pedestrian connection in lieu thereof. The staff would urge that the street connection be made, both for the convenience of the development to the north and to maintain compliance with the Comprehensive Plan, which attempts to implement these street connections to facilitate access and reduce the load on arterial streets.

Schwinn inquired whether the requirement for the So. 22nd Street connection on this project will also be a requirement for any development to the north. Will answered in the affirmative.

Newman inquired as to the distance between Hazel Scott Drive and Helen Wood Drive. Will did not know. Will further explained that there will be a block length issue if the So. 22nd Street connection is not required. It will exceed the minimum block length allowed by subdivision ordinance and would require the advertising of a waiver.

Schwinn pointed out that the Comprehensive Plan also notes alternative modes of transportation.

Response by the Applicant

Carstens confirmed that the bike trail does connect to the bike trail system in Porter Ridge Park and also over to Vavrina Meadows.

The applicant will agree to comply with the 50' setback in and H-4 and will do the screening.

With regard to the So. 22nd Street connection, this applicant and Rick Krueger do not care if So. 22nd Street is put in or not. They would also agree with a pedestrian easement. Carstens disagrees that there would be a block length problem.

Ray Hill of Planning staff advised the Commission regarding the So. 22nd Street connection. If this connection is not required, that will be a waiver and this project will have to be held over until the additional waiver can be advertised because it does not meet the block length requirement. Hill demonstrated the issue at the map. Unless So. 22nd Street goes through, you don't have a street that breaks the block length. This waiver was not advertised.

Irrespective of the requirement, Steward expressed his concern for public safety in the fact that so much of what is north of this property in the area where the street is in question is multi-

family. The access to emergency equipment is significantly improved by having the So. 22nd Street connection. Hill believes it is also a benefit to the people to the north because there will be a median in Pine Lake Road. Their only way in and out would be a right-in and right-out without the connection. The So. 22nd Street connection will allow circulation through the neighborhood. Very few people would want to go through that area if going north because there is not a break in the median, so the staff did not see it as generating traffic from the south.

Carstens suggested that the Law Dept. will do a legal opinion on the block length issue and in the meantime, the applicant will agree to keep the So. 22nd Street connection to move this project along.

Public hearing was closed.

CHANGE OF ZONE NO. 3381

ADMINISTRATIVE ACTION BY PLANNING COMMISSION: December 11, 2002

Duvall moved approval, seconded by Newman and carried 8-0: Carlson, Newman, Larson, Duvall, Bills-Strand, Taylor, Steward and Schwinn voting 'yes'; Krieser absent.

SPECIAL PERMIT NO. 1988,

TAMARIN RIDGE COMMUNITY UNIT PLAN

ADMINISTRATIVE ACTION BY PLANNING COMMISSION: December 11, 2002

Duvall moved approval of the revised staff recommendation of conditional approval, with amendment to Condition #2 as requested by the applicant, seconded by Newman and carried 8-0: Carlson, Newman, Larson, Duvall, Bills-Strand, Taylor, Steward and Schwinn voting 'yes'; Krieser absent.

PRELIMINARY PLAT NO. 02019

TAMARIN RIDGE

ADMINISTRATIVE ACTION BY PLANNING COMMISSION: December 11, 2002

Carlson moved to approve the revised staff recommendation of conditional approval, with amendments to add Conditions #1.3 and #1.4, as requested by the applicant, seconded by Newman and carried 8-0: Carlson, Newman, Larson, Duvall, Bills-Strand, Taylor, Steward and Schwinn voting 'yes'; Krieser absent.

SPECIAL PERMIT NO. 1989

ADMINISTRATIVE ACTION BY PLANNING COMMISSION:

December 11, 2002

Bills-Strand moved to approve the revised staff recommendation of conditional approval, with amendments as requested by the applicant, including the denial of the waiver of the rear yard setback from 50' to 30' in H-4, seconded by Duvall and carried 8-0: Carlson, Newman, Larson, Duvall, Bills-Strand, Taylor, Steward and Schwinn voting 'yes'; Krieser absent. The Commission did not remove the So. 22nd Street connection.

USE PERMIT NO. 147

ADMINISTRATIVE ACTION BY PLANNING COMMISSION:

December 11, 2002

Steward moved approval of the revised staff recommendation of conditional approval, seconded by Newman and carried 8-0: Carlson, Newman, Larson, Duvall, Bills-Strand, Taylor, Steward and Schwinn voting 'yes'; Krieser absent.

Schwinn expressed appreciation to the developer and staff for bringing this project forward.

Mr. Slusky approached to comment in general about the development process in Lincoln. He believes there is a very positive difference in Lincoln versus Omaha. It may be difficult to get through the process but he believes Lincoln's process is a "10". The staff sifts out all the issues and forces the developer and its professionals to really do their homework before coming forward for the public hearing.

CHANGE OF ZONE NO. 3385

FROM AGR AGRICULTURAL RESIDENTIAL

TO R-1 RESIDENTIAL

ON PROPERTY GENERALLY LOCATED

AT SOUTH 66TH STREET AND PINE LAKE ROAD.

CONT'D PUBLIC HEARING BEFORE PLANNING COMMISSION: December 11, 2002

Members present: Carlson, Newman, Larson, Duvall, Bills-Strand, Taylor, Steward, and Schwinn; Krieser absent.

Staff recommendation: Deferral.

Proponents

1. **Brian Carstens** appeared on behalf of the applicant and requested that this application be placed on the pending list until an associated waiver on the administrative final plat comes forward.

Carlson moved to place on pending, seconded by Newman and carried 8-0: Carlson, Newman, Larson, Duvall, Bills-Strand, Taylor, Steward and Schwinn voting 'yes'; Krieser absent.

There was no other public testimony.

Marvin Krout, the Director of Planning, provided the Commission with a handout setting forth the proposed work plan for the Planning Department including all of the studies required by the Comprehensive Plan. Krout is interested in more attention to design, concentrating on diversity and using more flexibility and common sense in our processes, and looking for ways to communicate better and be more customer friendly in the planning process.

There being no further business, the meeting was adjourned at 2:10 p.m.

Please note: These minutes will not be formally approved until the next regular meeting of the Planning Commission on January 8, 2003.

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